



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1328

unenforceable federal laws; second amendment

Purpose

Declares specified federal acts that violate the U.S. or Arizona Constitutions' right to bear arms as unenforceable in Arizona and assigns related penalties.

Background

The Second Amendment to the U.S. Constitution provides "a well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed" ([U.S. Const. amd. 2](#)).

The Arizona Constitution prohibits the impairment of the right of the individual citizen to bear arms in defense of the person's self or the state. This does not authorize individuals or corporations to organize, maintain or employ an armed body of people ([Ariz. Const. art. 2 § 26](#)).

For a class 1 misdemeanor, the maximum sentence is six months and the maximum fine is \$2,500 (A.R.S. §§ [13-707](#) and [13-802](#)). For a class 6 felony, the maximum sentence is: 1) one and a half years for a first-time felony offender or category one repetitive offender; 2) two and a quarter years for a category two repetitive offender; or 3) four and a half years for a category three repetitive offender (A.R.S. §§ [13-702](#) and [13-703](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Declares an act, law, treaty, order, rule or regulation of the U.S. government that violates the Second Amendment of the U.S. Constitution or Article II, Section 26 of the Arizona Constitution null, void and unenforceable in Arizona.
2. Prohibits the state and a political subdivision from using any personnel or financial resources to enforce, administer or cooperate with any act, law, treaty, order, rule or regulation of the U.S. government that violates the Second Amendment of the U.S. Constitution or Article II, Section 26 of the Arizona Constitution.
3. Classifies the first offense of impairment of a citizen's right to bear arms as a class 1 misdemeanor and each subsequent offense as a class 6 felony.
4. Requires the court to impose the maximum fine and sentence on a person convicted of impairment of a citizen's right to bear arms.

5. States that a government entity, agency, bureau, employee or official of Arizona or a political subdivision of Arizona commits an impairment of a citizen's right to bear arms by enforcing or attempting to enforce an act, law, treaty, order, rule or regulation of the U.S. government that is null, void and unenforceable by this statute.
6. Allows a government entity, agency, bureau, employee or official of Arizona or a political subdivision of Arizona that commits an impairment of a citizen's right to bear arms pursuant to this statute to be sued by any citizen in superior court for declarative and injunctive relief, damages and attorney fees.
7. Excludes special taxing districts that operate a federal reclamation project from the outlined prohibitions.
8. Contains legislative findings.
9. Allows the act to be cited as the *Second Amendment Firearm Freedom Act*.
10. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Specifies that the prohibitions placed on outlined government entities are limited to the state or a political subdivision of the state.
2. Excludes persons working under the authority or orders of a government entity, agency, bureau, employee or official from the outlined prohibitions.
3. Excludes special taxing districts that operate a federal reclamation project from the outlined prohibitions.
4. Adds additional legislative findings.

Senate Action

JUD 2/11/21 DP 5-3-0

Prepared by Senate Research

March 3, 2021

JA/RC/kja